

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

James & Joseph Hester,



Reference Number: DED 696
Application Received: 15th April 2024
Name of Applicants: James & Joseph Hester
Agent: Rathcroghan Design, Ballyconboy, Ballinagare, Castlerea, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of an agricultural slatted shed with an underground tanks at Aghaderry, Loughglynn, Co. Roscommon, F45 NV38, is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 6 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (e) The planning history of the site

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) The construction of an agricultural slatted shed with underground tank as described in this case is exempted development.
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to construct an agricultural slatted shed with an underground tank at Aghaderry, Loughglynn, Castlerea, Co. Roscommon, F45 NV38, **is development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell
Senior Executive Planner,
Planning.

Date: 11th June 2024

Cc agent via email: Martin Dowd
rathcroghandesigns@gmail.com

Carmel Curley

From: Carmel Curley
Sent: Wednesday 12 June 2024 09:26
To: Martin Dowd
Subject: DED696 - James & Joseph Hester
Attachments: DED696 - Notification of Decision & Maps.pdf

Hi Martin,

Please find attached Notification of Decision for DED Application 696 – James & Joseph Hester. Please also find attached stamped plans of the shed. A hard copy will issue to the applicants today.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION



**Planner's Report on application under Section 5 of the
Planning and Development Acts 2000 (as amended)**

Reference Number: DED 696

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct an agricultural slatted shed with underground tank under the Planning & Development Act (Exempt Development) Regulations 2018 at Aghaderry, Loughglynn, Co. Roscommon.

Applicants: James & Joseph Hester

Date: 10th June 2024 (Site Inspection on 7th June 2024)

WHEREAS a question has arisen as to whether to construct an agricultural slatted shed with underground tank in Aghaderry, Loughglynn, Co. Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 6 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (e) The planning history of the site

Site Location & Development Description

The subject site is located in Aghaderry, Loughglynn, Co. Roscommon and is in agricultural use. The site is accessed via the L-1229 Road. The existing site contains existing cattle and storage sheds. The proposed development consists of the construction of a 3 bay slatted shed with an underground slurry storage tank. The stated proposed use is agricultural.

Archaeological and Cultural Heritage

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European site to the site of the proposed development is Lough Glinn PNHA (Site Code: 001644) which is located circa 1km to the south.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history has been traced relating to the subject site.

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3. -(1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act

viiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

Assessment

In accordance with the Planning and Development Act, 2000, as amended Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said proposed agricultural slatted shed with underground tank constitutes development, as defined in Section 3 of the said Act.

The proposed Slated shed (123m² stated):

The construction of an agricultural slatted shed with underground tank appears to come within the scope of Class 6 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

PART 3 - Article 6 - Exempted Development - Rural

Column 1 - Description of Development

Agricultural Structures

<p><i>Agricultural Structures</i> CLASS 6</p> <p>Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</p>	<ol style="list-style-type: none">1. No such structure shall be used for any purpose other than the purpose of agriculture.2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.5. No such structure within 100 metres of any public road shall exceed 8 metres in height.6. No such structure shall be situated, and no effluent from such structure shall be stored,
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	<p>within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</p> <p>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
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Assessment:

The proposed development is a roofed structure intended for the housing of livestock, is stated as having floorspace of 123m² and therefore appears to be within the criteria for consideration as exempted development under Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

With regard to the compliance with the conditions and limitations of Class 6 of Part 3 of Schedule 2 (Exempted Development - Rural) the following assessment sets out how these apply to the current proposal:

1. As per the submitted details the proposed use of the structure is agriculture.
2. The gross floor space of the structure together with any other such structures situated within 100 metres will not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. Onus on applicant to comply with this.
4. The structure is stated to be situated 37m from the public road.
5. The proposed structure does not exceed 8 metres in height.
6. Based on information provided any houses within 100m is in ownership of the applicant.
7. Based on information provided, the sheeting is pre painted.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 6 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of an agricultural slatted shed with underground tank as described in this case is considered to be exempted development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for EIA or AA does not apply with respect to the current referral case.

I am satisfied that an Environmental Impact Assessment Report or Natura Impact Statement are not required. It should be noted that any development for which Environmental Impact Assessment or

Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where a NIS is required.

Recommendation

WHEREAS a question has arisen as to whether to construct an agricultural slatted shed with underground tank in Aghaderry, Loughglynn, Co. Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 6 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (e) The planning history of the site

AND WHEREAS I have concluded that

- a) The works are development.
- b) The construction of an agricultural slatted shed with underground tank as described in this case is exempted development.
- c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Civil Technician

Date: 10th June 2024

Signed:



Senior Executive Planner

Date: 10th June 2024





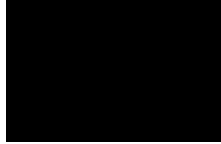




Comhairle Contae
Ros Comáin
Roscommon
County Council



James & Joseph Hester,



Date: 16th April 2024

Planning Reference: DED 696

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to construct an agricultural slatted shed with an underground tank under the Planning & Development Act (Exempt Development) Regulations 2018 at Aghaderry, Loughglynn, Co. Roscommon., F45 NV38.

A Chara,

I wish to acknowledge receipt of your application received on the 15th April 2024, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00, Receipt No. **L01/0/228047** dated 15th April 2024, receipt enclosed herewith.

Please note that due to current resourcing issues, the processing of the Declaration of Exempted Developments have been curtailed at present and applicants will experience delays in the processing of same. We are currently reviewing internal work programmes and hope to have this service resume as soon as possible. We will be processing all applications in chronological order.

We sincerely apologise for any inconvenience caused.

Note: Please note your Planning Reference No. is **DED 696**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

15/04/2024 14:35:40

Receipt No. 1.01/0/228047

JAMES & JOSEPH HESTER
C/O MARTIN DOWD
BALLYCONBOY
BALLINAGARE

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 896	

Total : 80.00 EUR

Tendered
Credit/Debit Card 80.00
8236

Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office

DED 696

Rathcroghan Designs

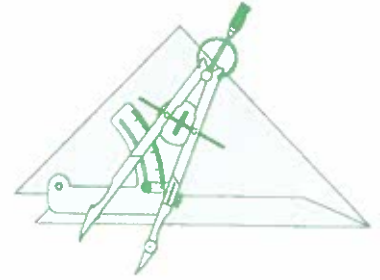
BALLYCONBOY, BALLINAGARE, CASTLEREA, CO. ROSCOMMON

Planning and Building Consultants

Associate Member of The Society Chartered Surveyors Ireland

MOBILE : 086 2328484 TEL/FAX : 071 9639983

Email – rathcroghandesigns@gmail.com



Planning Authority,
Roscommon County Council,
Aras an Chontae
Roscommon.

11/04/2024

Exempted Development



Dear Sir or Madam,

Please find enclosed Application for Exempted development for my client, James and Joseph Hester.

I would be grateful if you could please contact me for payment of fees with card details.

Yours Sincerely

Martin Dowd Assoc SCSi
Bsc (Construction Management)



Comhairle Contae
Ros Comáin
Roscommon
County Council



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

Planning & Development Act 2000 (as amended), regarding Exempted Development

Name of Applicant(s)	JAMES AND JOSEPH HESTER
Name of Agent	MARTIN DOWD
Nature of Proposed Works	Agricultural Slatted Shed with underground Tank
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	AGHADERRY LOUGHGLYNN CO. ROSCOMMON R45 NV38
Floor Area: a) Existing Structure (BUILDINGS) b) Proposed Structure (BUILDING)	a) 267.6 m ² b) 123 m ²
Height above ground level:	
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	PRE PAINTED SHEETING



Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER
Is proposed works located at front/rear/side of existing house.	N/A
Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	AGRICULTURAL
Proposed use of land or structure	AGRICULTURAL
Distance of proposed building line from edge of roadway	45.6
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	NO

Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature:

Martin O'Connell (AGENT)

Date:

12/04/24

Note: This application must be accompanied by: -

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed

Site Location Map

Prepared By: Martin Dowd Rathcroghan Designs,
Ballinagare, Castlereagh, Co. Roscommon



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Éireann

CENTRE COORDINATES:
ITM 562303,788127

ORDER NO.:
50394253_2

PUBLISHED:
12/04/2024

MAP SERIES:
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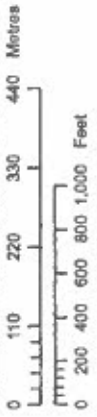
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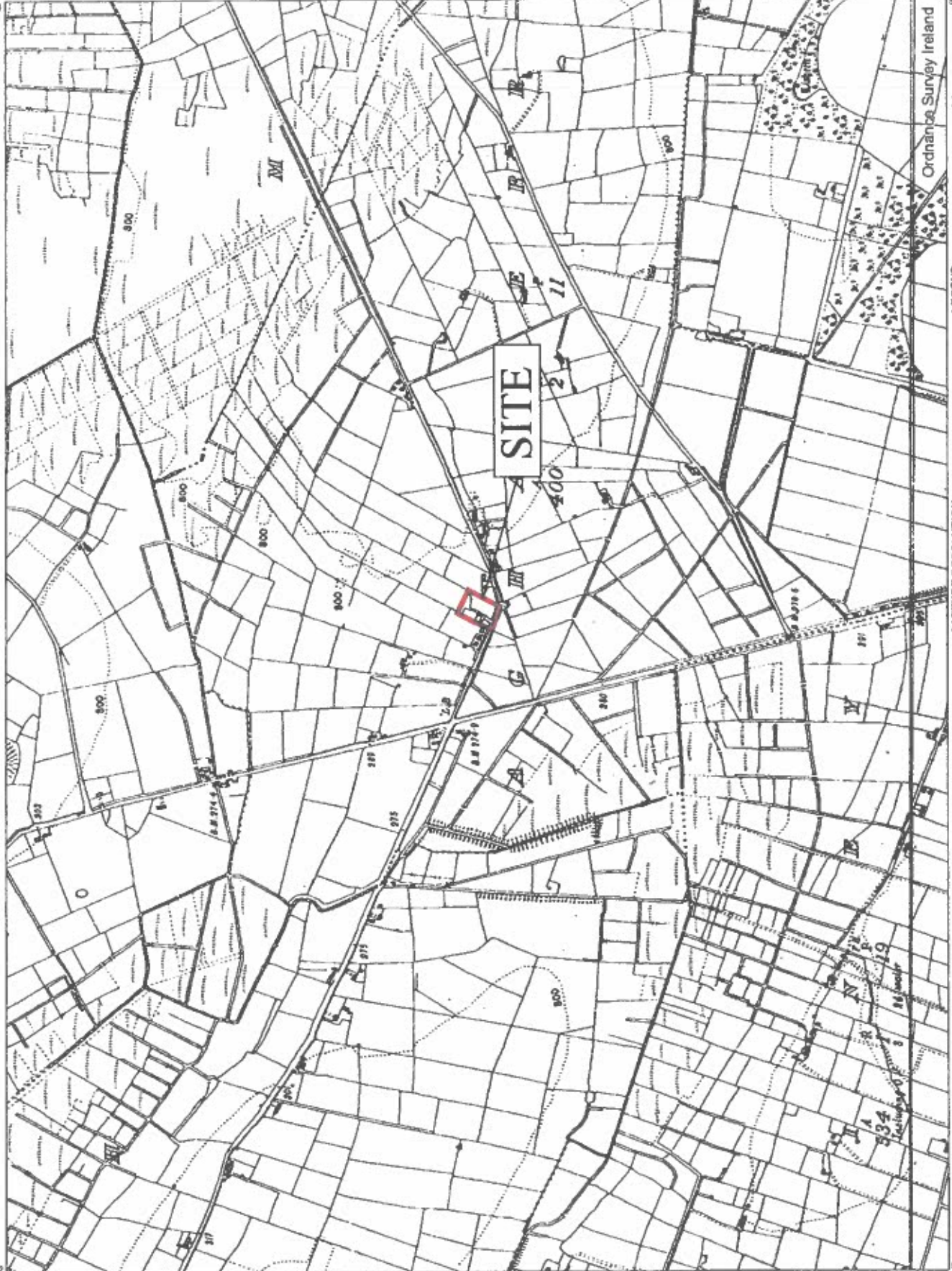
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OUTPUT SCALE: 1:10,560



78216

561072



Planning Pack Map

Prepared By: Martin Dowd Rathcroghan Designs,
Ballinagare, Castlereagh, Co. Roscommon



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MAP SERIES:
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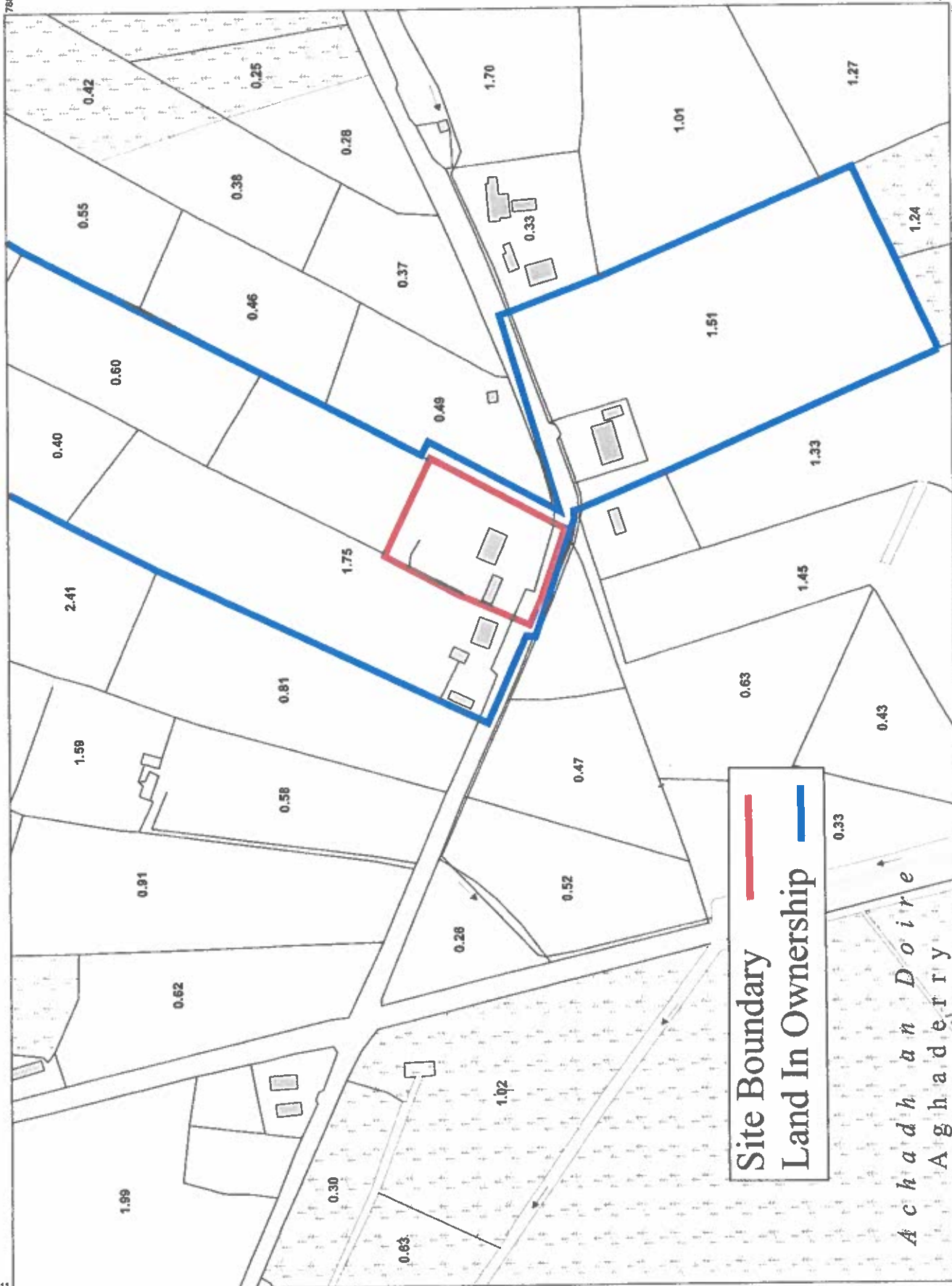
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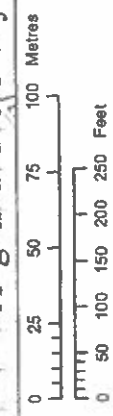
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562594



Site Boundary
Land In Ownership

Achadh an Doire
Aghaderry



OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
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resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



15 APR 2024

RATHCROGHAN DESIGN
Planning & Design
Ballyconboy, Ballinagare, Castlerock, Co. Roscommon
Ph: 086 2328484
E-mail: rathcroghandesigns@gmail.com

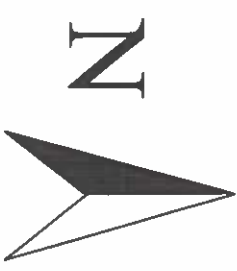


Client

Joseph Hester

Title
Site Layout

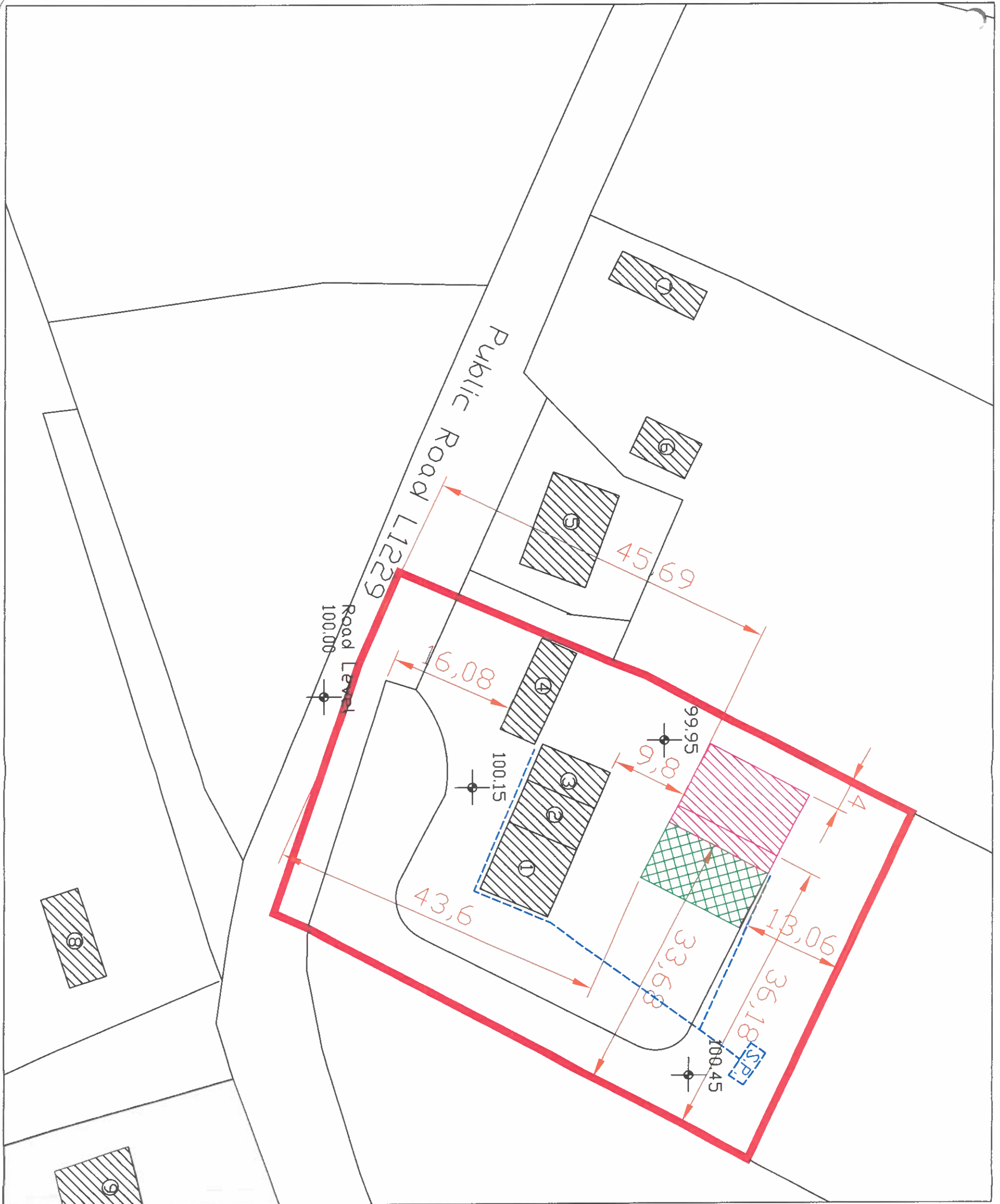
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Drawn: MARTIN DDWD	1 OF 1	23-144
Date: 16-04-2024		

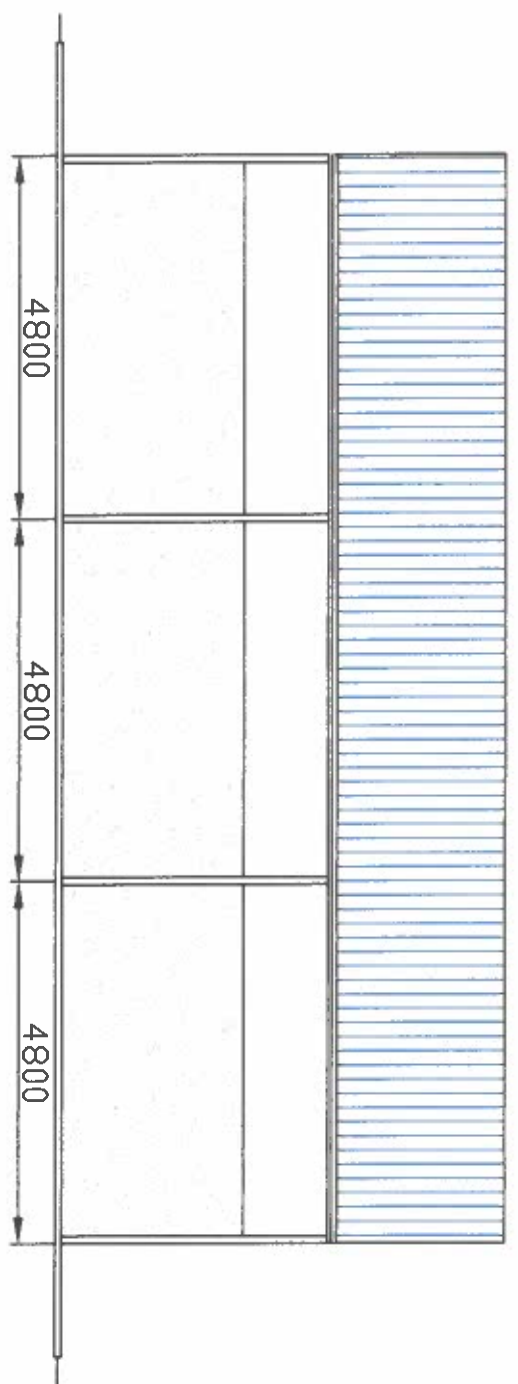
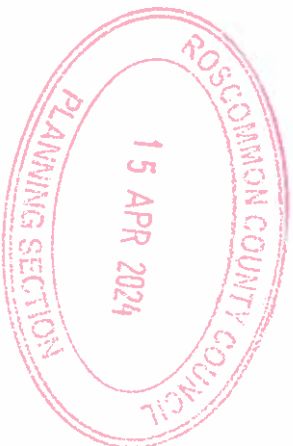


Site Area 0.356 Ha

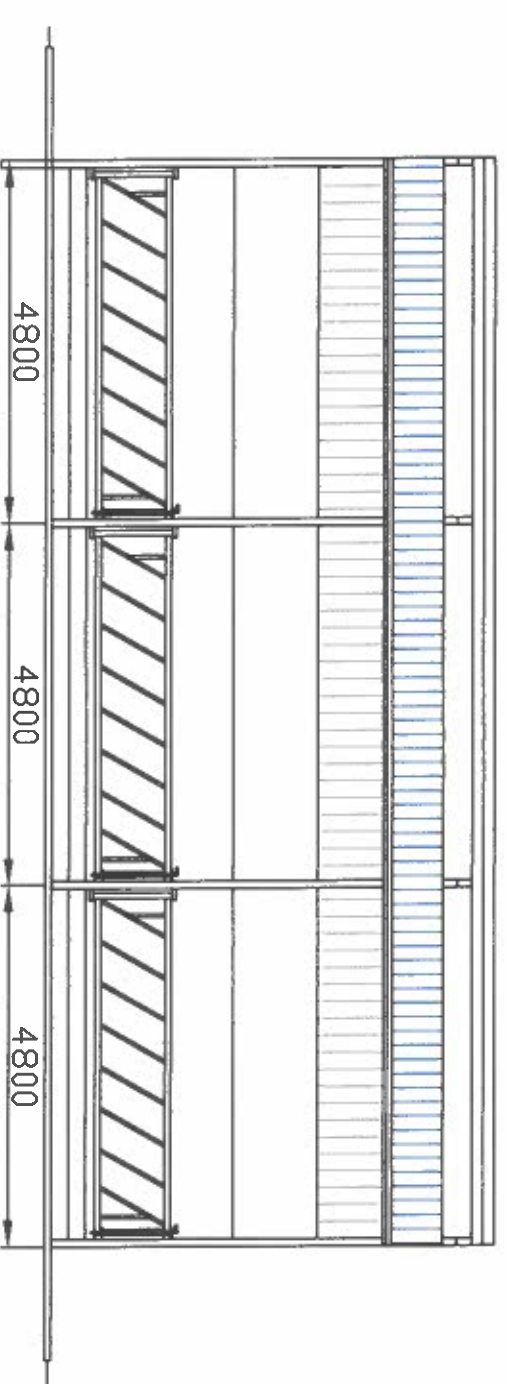
Legend

1. Existing Slatted Shed Class 6
Floor Area 92m²
2. Existing Hayshed Class 9
Floor Area 67m²
3. Existing Calving Shed Class 6
Floor Area 45.6m²
4. Existing General Storage Shed Class 9
Floor Area 63m² Pre 1963
5. Existing vacant dwelling
In applicants ownership
6. Existing General Storage Shed Class 9
Floor Area 40m² Pre 1963
7. Existing General Storage Shed Class 9
Floor Area 48m² Pre 1963
8. Existing Vacant Derelict Dwelling
9. Applicants Dwelling

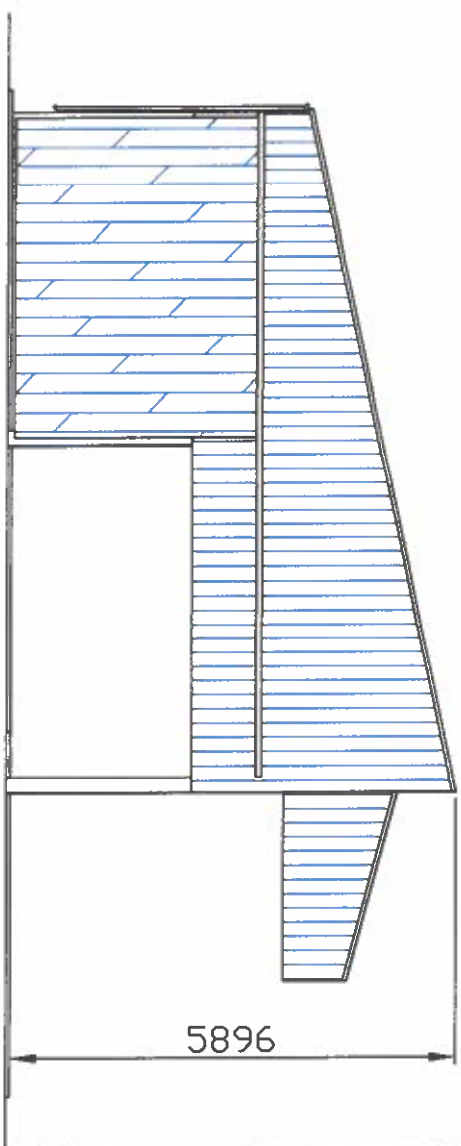




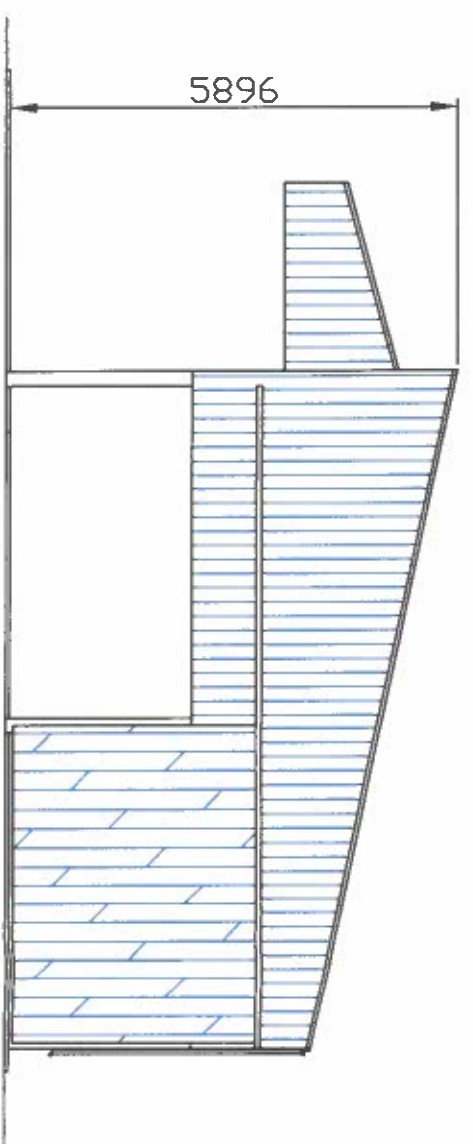
North West Elevation



South East Elevation



South West Elevation



North East Elevation

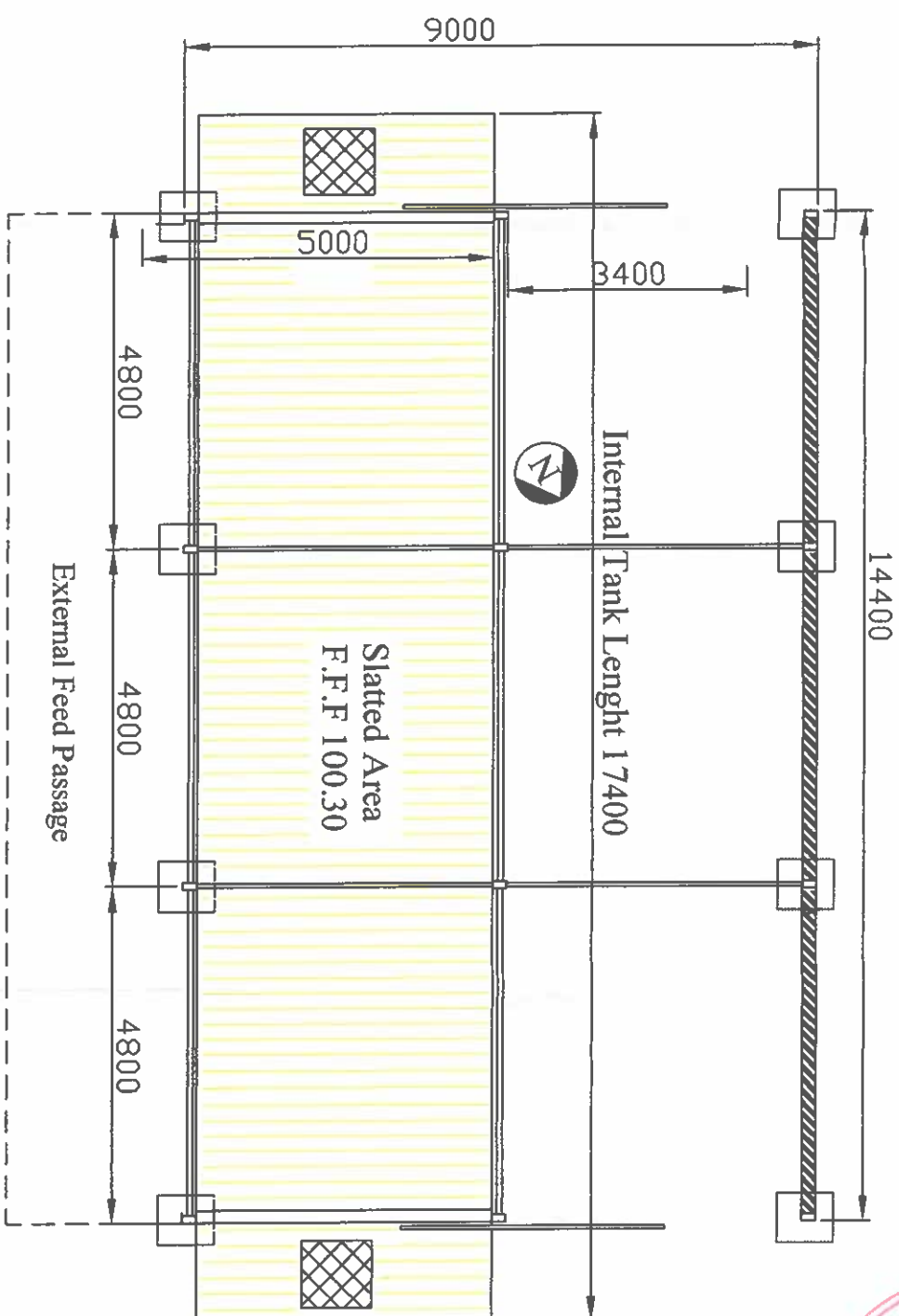
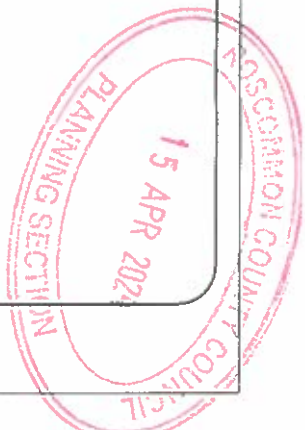
RATHCROGHAN DESIGN

Ballyconboy, Ballynagore, Castlereagh, Co. Roscommon
Ph: 085 2328184 E-mail: rathcroghan@eir.com

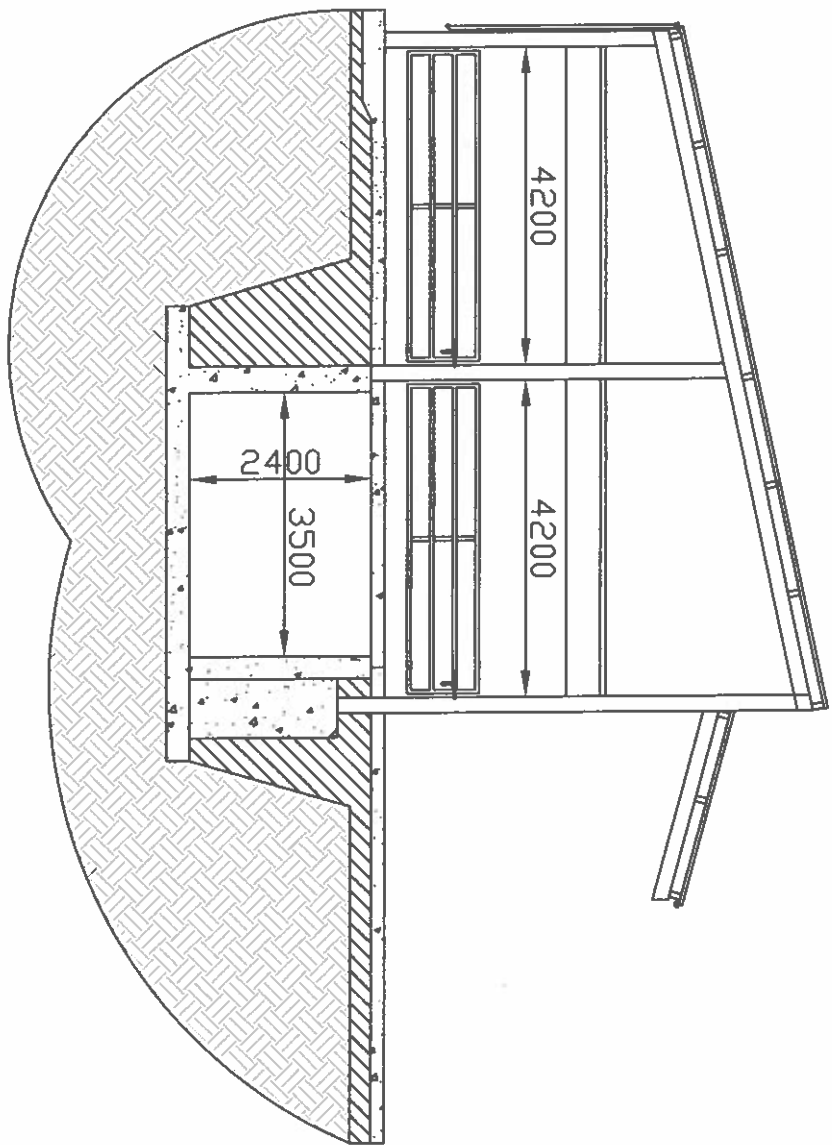
Client
**James & Joseph
Hester**

Title SLATTED SHED		
Scale 1:100 UNLESS NOTED	Sheet 2 OF 2	Dwg. No. 24-132
Drawn MARTIN DUFFY		
Date 10-04-2024		

No.	Revision	Date



Sectional Floor Plan



Sectional Elevation

No.	Revision	Date
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RATHCROGHAN DESIGN

Ballycanboe, Ballinagore, Castlereagh, Co. Roscommon
Ph: 006 23261614 E-mail: rathcroghan@rathcroghan.com

Client

James & Joseph Hester

Title

SLATTED SHED

Scale: 1:100 UNLESS NOTED	Sheet	Dwg. No.
Drawn: MARTIN DOWD	1 OF 2	24-132
Date: 10-04-2024		